



**DEPARTMENT OF THE ARMY**  
PITTSBURGH DISTRICT, CORPS OF ENGINEERS  
WILLIAM S. MOORHEAD FEDERAL BUILDING  
1000 LIBERTY AVENUE  
PITTSBURGH, PA 15222-4186

REC'D MAY 23 2011

REPLY TO

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

May 12, 2011

Operations Division  
Regulatory Branch  
**LRP-2011-289**

Mr. Jerry Alberts  
Antero Resources Appalachian Corporation  
1625 17th Street, Suite 300  
Denver, Colorado 80202

Dear Mr. Alberts:

I refer to a joint site inspection with United States Environmental Protection Agency (USEPA) conducted on May 3, 2011, by Jon Coleman and Josh Shaffer of this office, regarding multiple sites including, but not limited to: the Johnson Pad, Hill Pad, Mary Post Pad, and the Hurst 21 & 23 access road. These projects are located in Harrison County, West Virginia. Our site inspection revealed multiple violations of the Clean Water Act at the sites. Violations that were observed include: constructed in-line impoundments, wetland fills, pipeline activities, stream relocations, stream enclosures, and stream fills in relation to the oil and gas operations. These activities were conducted by your company (which includes all contractors and subsidiaries) without authorization from this office under Section 404 of the Clean Water Act.

Placement of fill into waters of the United States without a Department of the Army permit is a violation of Sections 301 (33 USC §1311) and 404 (33 USC §1344) of the Clean Water Act. Consider this letter an ORDER to immediately CEASE AND DESIST any and all activities resulting in the placement of fill into the waters of the United States (33 CFR 326.3).

By the request of the U.S. Environmental Protection Agency this ORDER has been referred to their office for follow up enforcement action. Violations of the Clean Water Act provide civil fines of not more than \$25,000 per day for each of violation, criminal fines of up to \$25,000 per day of violation, imprisonment and/or restoration of the area to its pre-project condition. **Please contact Stephanie Chin** at (215) 814-2747, or by e-mail at [chin.stephanie@epa.gov](mailto:chin.stephanie@epa.gov) within 5 days of receipt of this ORDER to determine corrective measures.

- 2 -

If you have any questions, please contact Jon T. Coleman at (412) 395-7188, or by e-mail at [jon.t.coleman@usace.army.mil](mailto:jon.t.coleman@usace.army.mil) or Josh Shaffer at (412) 395-7121, or by e-mail at [joshua.d.shaffer@usace.army.mil](mailto:joshua.d.shaffer@usace.army.mil).

Sincerely,

// SIGNED //

Scott Hans

Chief, Regulatory Branch

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Copies Furnished:

Stephanie Chin - U.S. Environmental Protection Agency

Sheirl Fletcher – Fletcher Environmental, Inc.

Lyle Bennett – WVDEP, Office of Water Resources

Brad Swiger – WV DEP, Environmental Enforcement

WV DEP, Office of Oil and Gas

Roger Anderson – WV DNR

Public Lands Corporation